

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GLENDY LEE,
Plaintiff,

v.

ORDER
03-CV-814A

MASCOT PETROLEUM CO.,
Subsidiary of Sunoco, Inc.,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On February 23, 2006, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss be denied but that defendant's motion for summary judgment be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss is denied and defendant's motion for summary judgment is granted. The Clerk of Court shall take all steps necessary to close this case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 21 , 2006